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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,087	12/12/2001	Werner Pochmuller	10191/2132	8281
26646	7590	01/04/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			MENGISTU, AMARE	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/026,087	POCHMULLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amare Mengistu	2673	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Igbinadolor** (6,779,196) in view of **Takahata et al** (6,272,278).

As to claims 1, 12; **Igbinadolor** discloses a device for receiving data via radio signals in a motor vehicle, comprising: an input device (fig.1 (SW/VOLUME), (SEEK/SCAN), col.4, lines 62-col.5, line 2); a radio receiver for receiving data (fig.15 (radio antenna), fig.20 (input)); a processor for processing the data (col.2, lines 15-24; fig.15 (computer control)); a memory (fig. 17 (Recording memory space for tape audio/disc audio/digitize audio)); and a display for displaying the processed data (figs. 5; 6;9; fig.13 (Illuminated display); fig.19 (tape; CD –player/record slot LCD display)). **Igbinadolor** further more discloses a playback (see, Abstract); fig.17 (record/playback)) but he is silent as to when the input device, when operated once, in the event of a fault, puts the device in a state defined in the memory for playing back the data.

However, the patent of **Takahata et al** is cited to teach that it is well known for a video data storage to puts the device in a state defined in the memory for playing back the data, in the event of a fault when the input device when operated once (see, fig.4).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to combine the use **Takahata et al's** playback button during error into a car audio/video record/playback system of **Igbinadolor**, because this will replay the information which has been missed during malfunction.

As to claim 2, **Igbinadolor** discloses the input device includes at least one pushbutton on the device (fig.1 (AM-FM); (seek/scan)).

As to claim 3, **Igbinadolor** the input device includes a remote control (col.3, lines 19-21).

In regard to claim 4, **Igbinadolor** also teaches wherein the input device includes a microphone (col.2, lines 40-46).

As to claim 5, wherein the state leads to the display of selection options, one of which is to be selected (see, fig.4 (selection options from "tape", "CD", "Fax")) taught by **Igbinadolor**.

As to claim 6, further more; **Igbinadolor** discloses record/playback selection option but did not expressly detail the resume, restart selection options. However, one

skill in the art can recognize that **lgbinadolor**'s audio/video recording and playing device should have to have a resume, restart selection options.

As to claims 7 and 8, **lgbinadolor** also discloses the portal is stipulated by a user of the device (col.2, lines 64 - col.3, lines 12).

In regard to claims 9 and 10, **lgbinadolor** teaches that the restart is performed through software (col.1, lines 41-49) and the restart is performed through hardware (fig.1 (Am –Fm) button to tune the radio On).

In regard to claim 11, it is obvious that the **lgbinadolor**'s pushbutton causes various states of the device after operation for different periods of time (col.5, lines 3 - 57).

As to claim 13, **Takahata et al** discloses a digital audio broadcasting signal (col.4, lines 25-30).

As to claim 14, **lgbinadolor** teaches that the data includes a web page (col.5, lines 7-10).

In regard to claim 15, **lgbinadolor**'s input device includes an infrared transceiver (See Abstract, col.3, line 20 (since a remote control uses an infrared signal, thus the transceiver must have be an infrared)).

As to claim 16, **Takahata et al** discloses that the processor is configured to perform decoding and reformatting of the data (col.1, lines 44-65).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703)305-4880. The examiner can normally be reached on M-F,T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703)305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Amare Mengistu  
Primary Examiner  
Art Unit 2673

AM

12/22/2004